



11-02-04

PATENT  
450100-036712683\$  
JFWIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Kensuke Fujimoto et al.  
Serial No. : 10/017,156  
For : REPRODUCED SIGNAL EVALUATION APPARATUS AND METHOD, REPRODUCTION APPARATUS  
AND METHOD, AND RECORDING APPARATUS AND METHOD  
Filed : December 14, 2001  
Examiner : Paul W. Huber  
Art Unit : 2653

745 Fifth Avenue  
New York, NY 10151

**Mail Stop Amendment**  
**Commissioner for Patents**  
**P.O. Box 1450, Alexandria, VA 22313-1450**  
Dear Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☐ No additional fee is required.  
☒ The fee has been calculated as shown below.  
☐ This is an application of a small entity under 37 CFR 1.9(f), and the amounts shown in parentheses apply.

Claims as Amended

(1)	(2) Claims remaining after amendment	(3)	(4) Highest number previously paid for	(5) Present extra	(6) Rate	(7) Additional Fee
Total claims	46	Minus	** =46	* x	\$18 (9)	= \$
Independent claims	22	Minus	*** =22	* x	\$88 (44)	= \$
Total additional fee for this amendment						\$

- \* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.  
\*\* If the highest number of total claims previously paid for is less than 20, write "20" in this space.  
\*\*\* If the highest number of independent claims previously paid for is less than 3, write "3" in this space.

- ☐ This application contains a multiple dependent claim. The required fee of \$300(150) has been previously paid ☐, or is paid herewith ☐.
- ☒ This response is being filed within the first month following the expiration of the term originally set therefor. This is a petition to request a one-month extension of time. A check covering the cost of the petition is enclosed.
- ☒ A check in the amount of \$110.00 is attached, which covers the cost of ☐ additional claims X petition for extension of time.
- ☐ Charge \$\_\_\_\_\_ to Deposit Account No. 50-0320.
- ☒ Please charge any additional fees incurred by reason of this response or credit any overpayment to Deposit Account No. 50-0320.

EXPRESS MAILMailing Label Number: EV468997758USDate of Deposit: November 1, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to:  
**Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Barnet Shindlman  
(Typed or printed name of person mailing paper or fee)

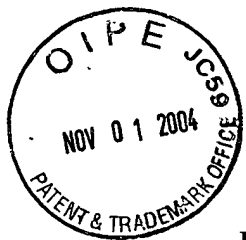
[Signature]  
(Signature of person mailing paper or fee)

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for ApplicantsBy: [Signature]

Dennis M. Smid  
Reg. No. 34,930  
Tel: 212-588-0800

00228930



PATENT  
450100-03671

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Kensuke Fujimoto et al.  
Serial No. : 10/017,156  
For : REPRODUCED SIGNAL EVALUATION APPARATUS AND  
METHOD, REPRODUCTION APPARATUS AND METHOD,  
AND RECORDING APPARATUS AND METHOD  
Filed : December 14, 2001  
Examiner : Paul W. Huber  
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745 Fifth Avenue  
New York, NY 10151

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Barnet Shindler

(Typed or printed name of person mailing paper or fee)

[Signature]

(Signature of person mailing paper or fee)

**RESPONSE TO ELECTION OF SPECIES**

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action, which issued in the above-identified application on September 27, 2004, wherein restriction/election was required among the claims as follows:

Species I represented by Figures 2, 4 and 5, on which Claims 11-41 read;

Species II represented by Figures 2, 4 and 8, on which Claims 11-41 read;

Species III represented by Figures 2, 4 and 18, on which Claims 11-26 read;

Species IV represented by Figures 2, 4 and 19, on which Claims 11-26 read;

Species V represented by Figures 17 and 5, on which Claims 1-10, 12, 13, 16, 17, 22, 23, 28, 29, 32, 33 and 42-46;

Species VI represented by Figures 17 and 8, on which Claims 1-10, 13, 17, 23 and 42-46;

Species VII represented by Figures 17 and 18, on which Claims 1-10 and 42-46;  
and

Species VIII represented by Figures 17 and 19, on which Claims 1-10 and 42-46.

Applicants elect, **with traverse**, Species I corresponding to Figs. 2, 4 and 5,  
including claims 11-41, for further prosecution in the present application.

Applicants respectfully disagree with the Examiner and believe that there are only  
two distinct species in the present application. Therefore, Applicants respectfully request  
the Examiner to revise the requirement for an election of species to identify the species as  
follows:

Species I, on which Claims 11-41 read; and

Species II, on which Claims 1-10 and 42-46.

PATENT  
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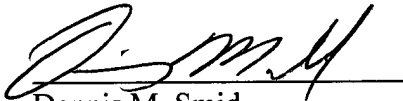
Applicants reserve the right to file one or more divisional applications, if necessary, to proceed with the examination of the non-elected claims.

An early examination on the merits of the claims of this application is respectfully solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:   
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